

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2010090212

ORDER GRANTING MOTION TO  
CONSOLIDATE AND ADDING AN  
ADDITIONAL DAY OF HEARING

On September 2, 2010, Student, through counsel, filed with the Office of Administrative Hearings (OAH), a Request for Due Process Hearing which named the Saddleback Valley Unified School District (District). OAH assigned this Student matter Case No. 2010090212.

Currently, in Case No. 201090212, there is a prehearing conference set for January 5, 2011, at 10:00 a.m., and a due process hearing set for January 18, 19 and 20, 2011.

On October 18, 2010, the District filed with OAH a Request for Due Process that named Student. OAH assigned this District matter Case No. 2010100932.

Currently, in Case No. 2010100932, there is a prehearing conference set for November 10, 2010, and a due process hearing set for November 17, 2010.

On November 3, 2010, the parties submitted to OAH a Stipulation to Consolidate Student's and District's Actions and Continue District's Action. In the Stipulation, the parties seek to consolidate Case Nos. 2010090212 and 2010100932, and add an additional day of hearing for the consolidated matters.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the two cases share common questions of law or fact, specifically, both matters involve the appropriateness of a District psychoeducational assessment. Accordingly, consolidation is granted.

## ORDER

1. The Stipulation to Consolidate is granted.
2. All dates previously set in OAH Case No. 2010100932, the District matter, are vacated.
3. The Prehearing Conference in the consolidated cases shall be held on January 5, 2011, at 10:00 a.m. The Due Process Hearing in the consolidated cases shall be held on January 18, 19, 20 and 24, 2011.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case No. 2010090212, the Student matter.

Dated: November 05, 2010

/s/

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings